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Attorney for Applicant
Meiyoukai Medical Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Ex Parte Application of)
Meiyoukai Medical Corporation,) Case Number:
Applicant.) **DECLARATION OF YASUFUMI ENDO**
) **IN SUPPORT OF MEIYOUKAI**
) **MEDICAL CORPORATION'S EX PARTE**
) **APPLICATION FOR AN ORDER**
) **PURSUANT TO 28 U.S.C. § 1782**
) **AUTHORIZING DISCOVERY FOR USE**
) **IN FOREIGN PROCEEDINGS**
)
)
)

I, Yasufumi Endo, declare as follows:

1. I am a Board Certified Pediatrician in Japan.
2. I am the Director of Meiyoukai Medical Corporation (hereinafter “**Applicant**”), a medical corporation organized and existing under the laws of Japan, *doing business as* Akaishidai Kodomo Clinic (hereinafter “**Clinic**”).
3. The principal place of business of the Clinic is located in Tomiya-shi, Miyagi-ken, Japan.
4. The Clinic is a medical clinic specializing in pediatric care.
5. As the Director of the Clinic, I oversee the business operations of the Clinic and have personal knowledge of the affairs of the Clinic.
6. I have personal knowledge of each of the matters stated herein.

1 7. I submit this declaration in support of the Applicant's *Ex Parte* Application for an
2 Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in Foreign Proceedings.

3 8. Many prospective and current patients of the Clinic find and contact the Clinic by
4 searching for the Clinic on the Google search engine.

5 9. The Clinic maintains a business profile and appears on Google Maps.

6 10. When prospective patients search for the Clinic on the Google search engine, the
7 Google Maps business profile and reviews and ratings of the Clinic are displayed as search results.

8 11. On February 16, 2024 at 07:27:07 Japan Standard Time, an anonymous individual
9 (hereinafter "**Anonymous Individual 1**"), using the Google account with the display name of
10 "*Link*", published a one-star rating of the Clinic to Google Maps (hereinafter "**Review 1**") at:
11 [https://www.google.com/maps/contrib/117209572671902011964/place/ChIJp3O2R9eDiV8Rkm](https://www.google.com/maps/contrib/117209572671902011964/place/ChIJp3O2R9eDiV8Rkm5mXVN_8Ko/)
12 [5mXVN_8Ko/](https://www.google.com/maps/contrib/117209572671902011964/place/ChIJp3O2R9eDiV8Rkm5mXVN_8Ko/); attached as **Exhibit 1** is a true and correct copy of Review 1.

13 12. On February 14, 2024 at 06:45:14 Japan Standard Time, an anonymous individual
14 (hereinafter "**Anonymous Individual 2**", and collectively with Anonymous Individual 1,
15 hereinafter "**Anonymous Individuals**"), using the Google account with the display name of "*KG*",
16 published a one-star rating of the Clinic to Google Maps (hereinafter "**Review 2**") at:
17 [https://www.google.com/maps/contrib/100990419014415581782/place/ChIJp3O2R9eDiV8Rkm](https://www.google.com/maps/contrib/100990419014415581782/place/ChIJp3O2R9eDiV8Rkm5mXVN_8Ko/)
18 [5mXVN_8Ko/](https://www.google.com/maps/contrib/100990419014415581782/place/ChIJp3O2R9eDiV8Rkm5mXVN_8Ko/); attached as **Exhibit 2** is a true and correct copy of Review 2.

19 13. I have a strong suspicion that the Google accounts of the Anonymous Individuals
20 are controlled by the same person, and I have a strong suspicion that the Anonymous Individuals
21 are a nearby competing clinic called Town Clinic en (hereinafter "**Competitor**").

22 14. My foregoing suspicion is based upon the fact that Anonymous Individual 1
23 published a five-star rating of the Competitor to Google Maps on December 15, 2023 at 07:28:46
24 Japan Standard Time at:
25 [https://www.google.com/maps/contrib/117209572671902011964/place/ChIJEz1MK6DiV8RX](https://www.google.com/maps/contrib/117209572671902011964/place/ChIJEz1MK6DiV8RXQ_Ka56j5_E/)
26 [Q_Ka56j5_E/](https://www.google.com/maps/contrib/117209572671902011964/place/ChIJEz1MK6DiV8RXQ_Ka56j5_E/), and Anonymous Individual 2 published a five-star rating of the Competitor to
27 Google Maps on December 15, 2023 at 05:13:18 at:
28

1 [https://www.google.com/maps/contrib/100990419014415581782/place/ChIJEz1MKe6DiV8RX](https://www.google.com/maps/contrib/100990419014415581782/place/ChIJEz1MKe6DiV8RXQ_Ka56j5_E/)
2 [Q_Ka56j5_E/](https://www.google.com/maps/contrib/100990419014415581782/place/ChIJEz1MKe6DiV8RXQ_Ka56j5_E/); attached as **Exhibit 3** is a true and correct copy of the Competitor's reviews
3 published by the Anonymous Individuals.

4 15. As such, the Anonymous Individuals published their one-star reviews concerning
5 the Clinic between February 14, 2024 and February 16, 2024, a three-day span, and published their
6 five-star reviews concerning the Competitor on December 15, 2023 between 5 a.m. and 7 a.m., a
7 little over two hours apart.

8 16. The only businesses to which the Anonymous Individuals have published reviews
9 to are the Clinic and the Competitor.

10 17. As such, it is impossible to believe that the Anonymous Individuals are different
11 people, because of the proximity in time that they published reviews to each of the Clinic and the
12 Competitor.

13 18. Based upon these facts, I have a strong suspicion that the Competitor is publishing
14 one-star reviews of the Clinic to harm the Clinic's reputation, and in turn, is publishing five-star
15 reviews of the Competitor in order to benefit its reputation.

16 19. The Clinic and the Competitor are proximately located, whereby they are within a
17 4-minute driving distance, and are both clinics specializing in pediatric care.

18 20. Ever since the subject reviews were published by the Anonymous Individuals
19 concerning the Clinic, the number of patients contacting the Clinic has significantly declined, and
20 I have also suffered significant psychological mental distress because of the fact that I have come
21 to know that someone is purposefully trying to destroy the Applicant's business.

22 21. The Clinic has no means of identifying, and has been unable to identify, the true
23 identities of the Anonymous Individuals.

24 22. I consulted and hired Attorney Tomohiro Kanda about filing a civil lawsuit in Japan
25 against the Anonymous Individuals; I was advised by Attorney Kanda that the Applicant would
26 need to first discover the true identities of the Anonymous Individuals, because the true identities
27 of the Anonymous Individuals are necessary to file the civil lawsuit against the Anonymous
28 Individuals in Japan.

Declaration of Yasufumi Endo

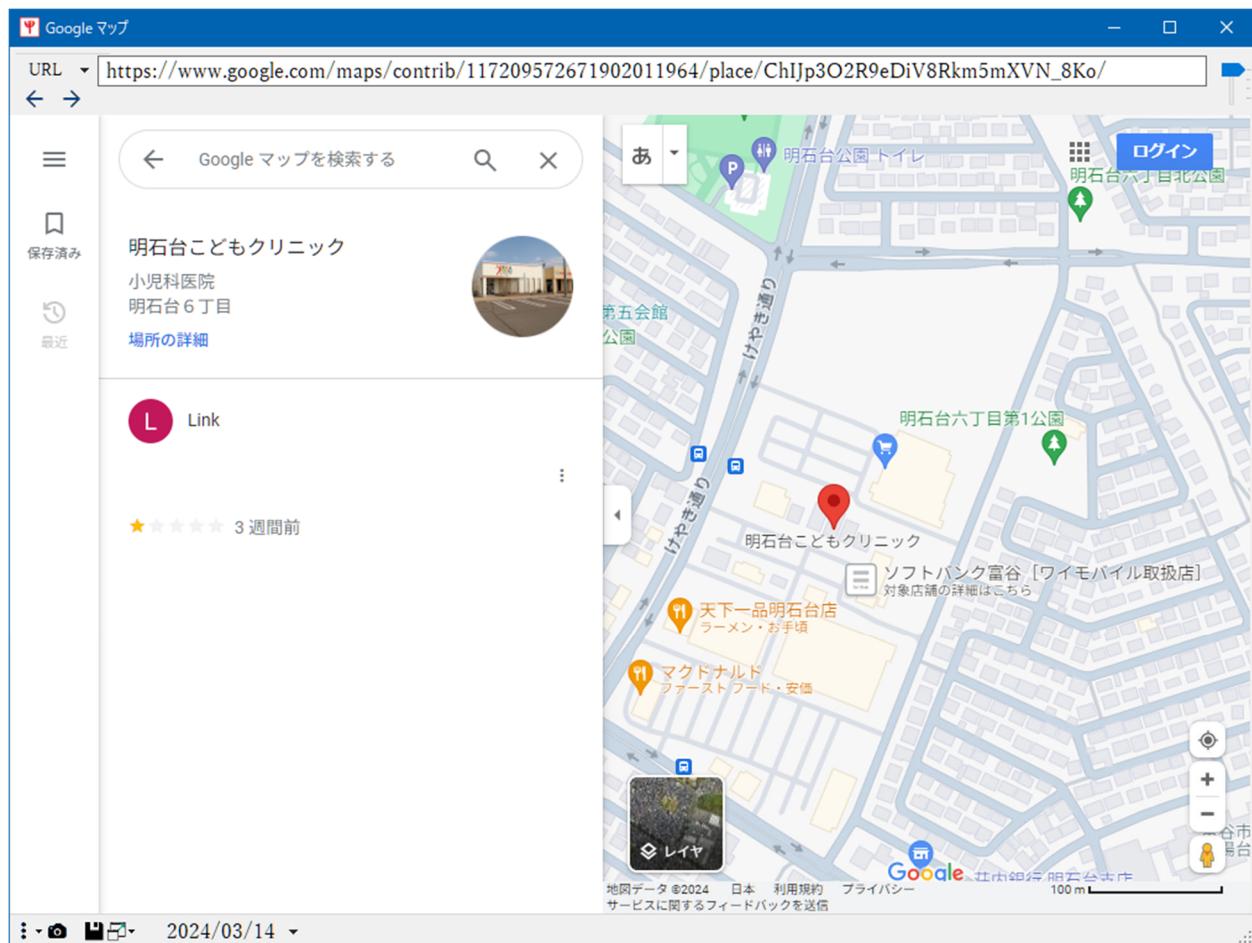


Exhibit 1

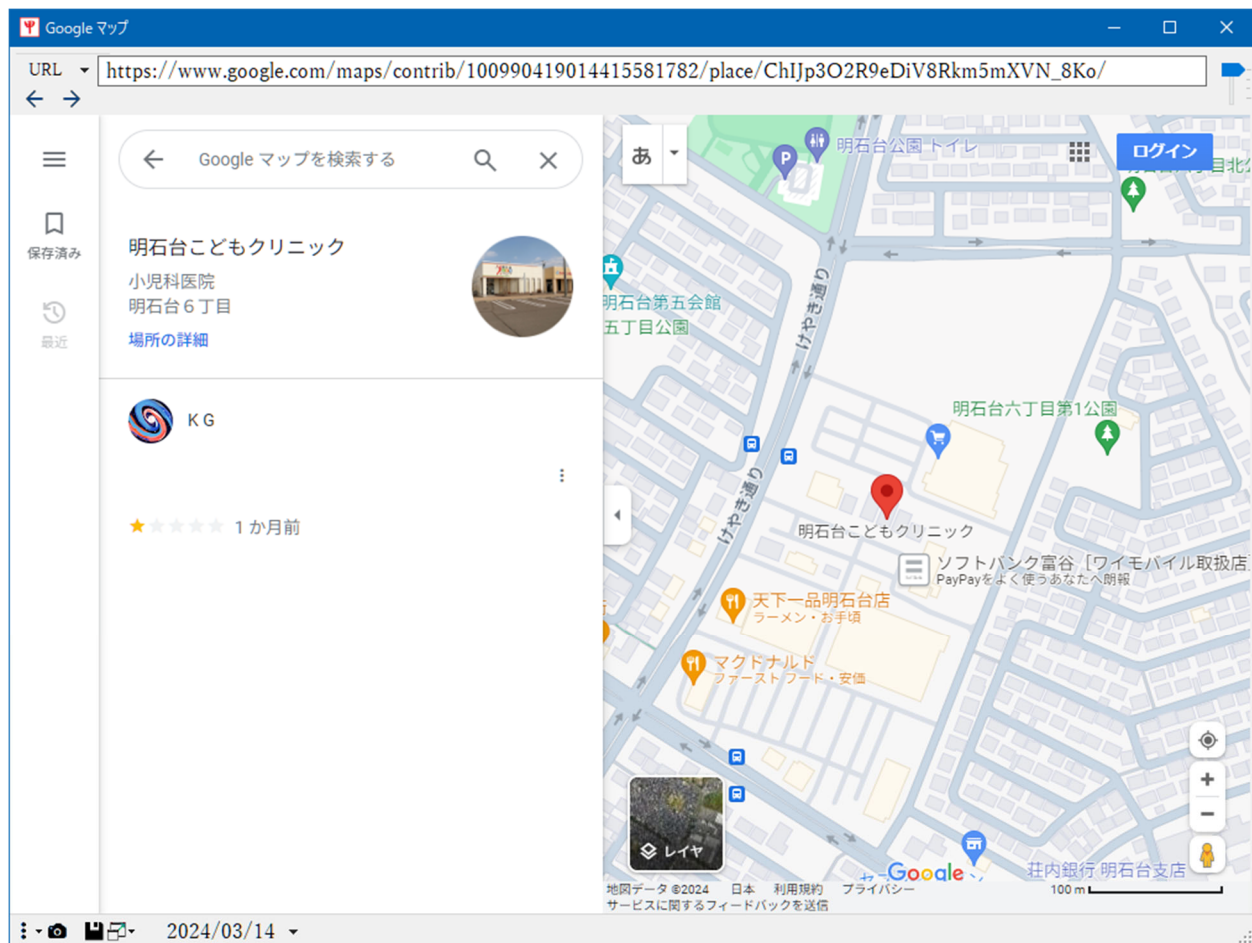


Exhibit 2

